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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001895

SIPDIS

DEPARTMENT FOR SA, SA/INS

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TAGS: [PGOV](#) [PHUM](#) [KIRF](#) [CE](#)

SUBJECT: SRI LANKA: BUDDHIST MONKS MPS INTRODUCE BILL TO
MAKE BUDDHISM THE STATE RELIGION

REF: A. COLOMBO-SA/INS 11-22-04 UNCLASS FAX

[B](#). COLOMBO 1805 AND PREVIOUS

Classified By: James F. Entwistle, Deputy Chief of Mission. 1.4(b,d)

SUMMARY

[1](#)1. (C) The Jathika Hela Urumaya party of Buddhist monk MPs presented a private member's bill in Parliament on November 19 to give Buddhism the status of state religion through constitutional amendment. Any potential amendment faces several legal hurdles, including a two-thirds majority in Parliament and a simple majority in a national referendum. Although this development is too recent to assess public reaction, at least one Christian cleric predicted the proposed bill would have little, if any, public support. While there has been much debate about potential religious anti-conversion legislation, there has been little public discourse on the question of elevating Buddhism to a state religion. At present, this potential amendment sounds more like political grandstanding by the monk MPs -- whose party faces internal problems of its own -- than a serious effort to undermine the relative status of other religions. End Summary.

[1](#)2. (SBU) On November 19, the Jathika Hela Urumaya (JHU), which has nine Buddhist monk MPs in the current Parliament, presented a bill in Parliament to make Buddhism a state religion through amendment to the constitution. Similar to an earlier religious anti-conversion bill proposed by the JHU, this is also a private member's bill and is not backed by the Government of Sri Lanka (GSL). Although presented to Parliament, the bill has not yet been placed on the Parliament's agenda and has not been formally read before the Members. As a potential constitutional amendment, the proposal will take a slightly different track than that of draft legislation: any amendment to the constitution requires a two-thirds majority in Parliament, plus approval by simple majority in a national referendum.

Buddhism's current and potential future legal status

[1](#)3. (SBU) The constitution currently grants Buddhism the "foremost place" in society -- a special status that falls critically short of that of a state religion. Under Article 9 of the Constitution, "it shall be the duty of the State to protect and foster the Buddha Sasana ("Affairs"), while assuring to all religions the rights granted by Articles 10 and 14(1)(e)." In contrast, the JHU's draft amendment provides for the following:
-- "Other forms of religion may be practiced in peace and harmony with Buddha Sasana;"
-- All citizens are allowed "free exercise" of their worship;
-- Buddhists are bound to raise their children in the same faith; and
-- Converting of a Buddhist to another religion or spreading another religion among Buddhists is prohibited.
The full text of the proposed constitutional amendment has been faxed to SA/INS (Ref A).

[1](#)4. (C) In a November 22 conversation with poloff, Therese Perera, Legal Draftsperson in the Attorney General's Department, said that the potential amendment would likely go through Parliament and the Supreme Court, similar to the JHU's earlier religious anti-conversion legislation, before reaching her office. While one constitutional lawyer told poloff that, unlike a law-making bill, a potential amendment would have fewer avenues for legal challenge, Ms. Perera did not immediately confirm this. She instead stated that there might be "limited grounds" for a legal challenge, but that the Constitution certainly allows for challenges to amendments. Any challenges would have to be "more direct and forceful," she said. Saying that she had not yet seen the JHU bill, Ms. Perera felt that, from what she had heard, it would contravene Article 9 of the Constitution (see above). In addition, the concept of Buddhism as a state religion was not in line with the bill that the government is developing on its own. (Note: In response to the JHU anti-conversion bill presented to Parliament in June, the government began

developing its own bill addressing the issue. The exact substance of the bill is closely held; poloff has heard that it may not focus solely on banning "unethical" conversions, but be a more wide-ranging protection of religions act. In line with Ms. Perera's comments, we have not heard anything that indicates the GSL would pursue institutionalizing Buddhism as a state religion. End Note.)

Political relevance for JHU, not religious

15. (C) While the issue of alleged unethical conversion is fervently debated in religious circles throughout Sri Lanka, there is little public call for an amendment to make Buddhism a state religion. The JHU may be proposing the amendment in an attempt to demonstrate its political relevance, according to Catholic priest Father Cyril Gamini Fernando. He said the Catholic Church would oppose such an amendment and felt that it had no religious or political future. In the wake of the JHU's earlier proposed anti-conversion bill, the Church had established a task force. Fr. Fernando said that task force, which includes lawyers, would now review the potential amendment and provide feedback. He added that the Church would not publicly comment before evaluating the bill or before its formal reading in Parliament. In his opinion, there would be little support among the public for such an amendment.

Comment

16. (C) So far, this potential amendment sounds more like political grandstanding by the JHU than a serious religious overture. Given Sri Lanka's long history of religious tolerance and diversity, it is unlikely that this amendment will receive any significant public support, let alone a two-thirds parliamentary majority. While it is premature to talk about what might happen if the bill becomes an amendment to the Constitution, most interlocutors recognize that the results would be divisive and debilitating. There is little chance, either, that the President and other politicians would capitalize on this potential amendment for political mileage, especially when she is inviting the Liberation Tigers of Tamil Eelam for talks. For the moment, it is important to watch the public debate that will occur in the wake of this bill becoming public. End Comment.
LUNSTEAD